

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration and allowance of this application in view of the amendments above and the following comments.

Minor editorial changes have been made to some of the other claims. Applicant does not believe that any of the changes introduce new matter. An early notice to that effect is earnestly solicited.

On page 2 of the Office Action, the Examiner provides a preferred arrangement of the specification and suggests Applicant's use thereof. In response, Applicant would prefer not to amend the specification to include the suggested headings and subheadings.

Claim 6 was rejected under 35 USC § 112, second paragraph, as being indefinite. In response, Applicant points out that the wrapping foil of claim 6 can contain phosphorus, but not *red* phosphorus. Moreover, the content of phosphorus cannot be more than 0.5 phr.

Claims 1-7 and 9-11 were rejected under 35 USC § 102(b) as being anticipated by Nakagawa et al. ("Nakagawa"), US 2001/0031355.

Claim 8 was rejected under 35 USC § 103(a) as being obvious over Nakagawa.

In response to both the anticipation rejection and the obviousness rejection, Applicant points out that the instant claims require that the foil have applied directly or indirectly to one or both sides "a layer of a *solvent-free* pressure-sensitive adhesive dispersion based on polyacrylate." See, for example, paragraph [0100] of the instant published application, U.S.

Publication No. US 2007/0261879. It is clear from Nakagawa's paragraph [0092] that his acrylic adhesive is prepared "in a toluene solvent." Therefore, Nakagawa cannot anticipate or render obvious the instant claims.

Claims 1-11 were provisionally rejected on the ground of obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/573,679. In response, Applicant respectfully requests that this provisional rejection be held in abeyance until allowable subject matter is indicated at which time Applicant will take appropriate action, for example, prove patentable distinctness or file a suitable terminal disclaimer.

Applicant believes that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicant also believes that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS MC LAUGHLIN & MARCUS, P.A.

By /Kurt G. Briscoe/
Kurt G. Briscoe
Attorney for Applicant(s)
Reg. No. 33,141
875 Third Avenue - 18TH Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844